

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Crim. No. 14-2778 KG

WILLIAM JOSEPH TAYLOR,

Defendant.

CONSOLIDATED ORDER

On October 30, 2014, the Court held a hearing on the following motions:

1. Defendant's Motion to Dismiss the Indictment (Doc. 37), filed October 3, 2014;
2. Motion to Reconsider Order of Detention and Set Conditions of Release (Doc. 49), filed October 17, 2014;
3. United States' Unopposed Motion for Continuance and Request for Firm Trial Setting (Doc. 58), filed October 29, 2014; and
4. United States' Unopposed Motion for Continuance of Pretrial Motion Deadlines (Doc. 60), filed October 29, 2014.

Present at the hearing were Marisa Lizarraga, counsel for the United States, Dennis Candelaria, counsel for Defendant, and Defendant.

First, for the reasons stated on the record at the October 30, 2014, hearing, the Court finds no basis to dismiss the indictment under Fed. R. Crim. P. 12(b)(3)(B). Hence, the Court denies the motion.

Second, the Court previously has already found that Defendant is a danger to the community and should be detained pending resolution of this case. *See* (Doc. 20). Defendant

has failed to present evidence that changes that original determination. In reaching this determination, the Court has fully considered all the relevant factors under 18 U.S.C. § 3142(g), and additionally relies on the evidence presented at the initial detention appeal on July 28, 2014, as well as the new evidence submitted by way of an affidavit by Homeland Security Investigations Special Agent Stephani Legarreta, (Doc. 57-1). Accordingly, the Court finds, by a preponderance of the evidence, that Defendant is a danger to the community and that no condition or combination of conditions will reasonably assure the safety of the community pending the resolution of this case.

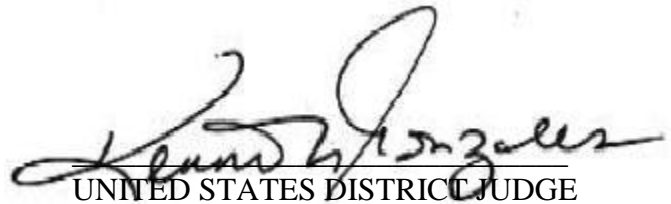
Next, the Court—fully mindful of the mandate of *United States v. Toombs*, 574 F.3d 1262 (10th Cir. 2009), and having fully considered the factors in 18 U.S.C. § 3161(h)(7)(A)—finds that the unopposed request for continuing the trial date is well-taken and that the trial is reset for January 26, 2014. In addition, new pretrial deadlines will apply only to any new charge alleged in a superseding indictment. The Court will consider motions for leave to extend any established deadlines that describes good cause and does not result in unfair prejudice to the opposing party.

Having considered the above motions and the argument of counsel, and for the reasons stated on the record of the October 30, 2014, hearing, the Court hereby ORDERS that

1. Defendant's Motion to Dismiss the Indictment (Doc. 37) is denied;
2. the Motion to Reconsider Order of Detention and Set Conditions of Release (Doc. 49) is denied and Defendant will remain in detention pursuant to 18 U.S.C. § 3142(e);
3. United States' Unopposed Motion for Continuance and Request for Firm Trial Setting (Doc. 58) is granted and a jury trial is set for January 26, 2015;

4. United States' Unopposed Motion for Continuance of Pretrial Motion Deadlines (Doc. 60) is granted to the extent that the new pretrial deadlines will apply only to any new charge raised in a superseding indictment; and

5. new pretrial deadlines will be based on the pretrial deadline dates available on the Court's website.



UNITED STATES DISTRICT JUDGE